

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA


KELVIN HAMPTON,)	
)	
Petitioner,)	
v.)	No. 1:09-cv-1259-SEB-JMS
)	
ALAN FINNAN,)	
)	
Respondent.)	

ENTRY

The petitioner's motion to show newly discovered evidence has been considered. The motion (dkt 16) is **denied**. The reason for this ruling is that the motion seeks to have the court reweigh the evidence pertaining to the petitioner's guilt of the infraction with which he was charged. This is not an inquiry a federal habeas corpus is permitted to undertake. Instead, it is the conduct board which had the responsibility to weigh the conflicting evidence—both that which was actually presented and “newly discovered.” See *Meeks v. McBride*, 81 F.3d 717, 720 (7th Cir. 1996) (“because the ‘some evidence’ standard . . . does not permit courts to consider the relative weight of the evidence presented to the disciplinary board, it is ‘[g]enerally immaterial that an accused prisoner presented exculpatory evidence unless that evidence directly undercuts the reliability of the evidence on which the disciplinary authority relied’ on support of its conclusion”)(quoting *Viens v. Daniels*, 871 F.2d 1328, 1335 (7th Cir. 1989)).

IT IS SO ORDERED.

Date: 12/31/2009


SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

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